## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	8:07CR111
VS.	)	
	)	ORDER
ANGELA MARIE TEBO,	)	
	)	
Defendant.	)	

This matter is before the court on defendant's motion for extension of time to file pretrial motions [12], to allow defense counsel more time to determine whether or not the discovery received from the government is complete. The defendant has not complied with paragraph 9 of the Progression Order [8] or NECrimR 16.2<sup>1</sup>. I also note that the government

<sup>&</sup>lt;sup>1</sup>The rule, effective January 26, 2007, provides:

**Motion for Enlargement or Shortening of Time for Discovery.** Any application for enlargement or shortening of time for discovery must be accompanied by an affidavit or other statement explaining the reason(s) for the request. A motion for extension of time for discovery will be granted only in unusual cases and upon a showing of good cause. This showing must include facts demonstrating that the moving party has diligently pursued discovery during the originally specified period. If the defendant is a moving party, the motion shall be accompanied by the defendant's affidavit or declaration (*see* 28 U.S.C. § 1746) stating that defendant:

<sup>(</sup>a) Was advised by counsel of the reasons for seeking a continuance;

<sup>(</sup>b) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*;

<sup>(</sup>c) With this understanding and knowledge, agrees to the filing of the motion; and

<sup>(</sup>d) Waives the right to a speedy trial.

The defendant's affidavit or declaration may be filed after the motion is filed if permitted by the assigned judge and if the motion declares that counsel has discussed the motion with the defendant and the defendant has agreed to sign the affidavit or declaration but was not able to do so before the motion was filed.

was ordered to provide discovery by April 25, 2007 but has not filed a notice of compliance as required by NECrimR 16.1(a)(4).

IT IS ORDERED that defendant's motion [12] is held in abeyance pending defendant's compliance with the progression order and the local rules of practice. Defendant is given until and including Monday, May 14, 2007 to file the required waiver of speedy trial.

**DATED May 8, 2007.** 

**BY THE COURT:** 

s/ F.A. Gossett United States Magistrate Judge